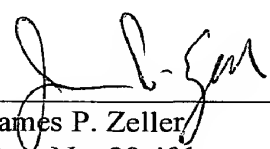




PATENT

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicants:	Gallert et al.	)	I hereby certify that this paper (or fee) is
Serial No.:	09/807,146	)	being deposited with the United States
Filed:	April 6, 2001	)	Postal Service, first class postage
		)	prepaid, addressed to: Commissioner
		)	for Patents, Washington, DC 20231
Title:	POLYGLUCAN AND	)	November 6, 2001
	POLYGLUCAN	)	
	DERIVATIVES WHICH	)	
	CAN BE OBTAINED FROM	)	
	AMYLOSUCRASE BY	)	
	BIOCATALYTIC	)	
	PRODUCTION IN THE	)	
	PRESENCE OF BIOGENIC	)	
	SUBSTANCES	)	
Group Art Unit:	Not yet assigned	)	
Examiner:	Not yet assigned	)	

  
James P. Zeller  
Reg. No. 28,491

02/04/2002 SNAJARRO 00000137 09807146

01 FC:154

130.00 DP

RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This paper is in response to the "Notice of Missing Requirements ..." dated July 24, 2001. A copy of the notice is attached.

This response is timely filed, as it is accompanied by a petition for a two-month extension of time to file in the second month.

Submitted herewith is the executed "Declaration for Patent Application and Power of Attorney" along with our check in the amount of \$130.00 to cover the surcharge.

The notice to file missing parts also requires submission of a sequence listing pursuant to 37 CFR 1.821-1.825. This requirement is traversed.

37 CFR 1.821 requires sequence listing submissions for patent applications containing nucleotide and/or amino acid sequences that fall within the following definition according to 37 CFR 1.821(a): "Nucleotide and/or amino acid sequences are interpreted to mean an unbranched sequence of four or more amino acids or an unbranched sequence of ten or more nucleotides. Nucleotides are intended to embrace only those nucleotides that can be represented using the symbols set forth in WIPO Standard ST.25. Amino acids are those L-amino acids commonly found in naturally occurring proteins and are listed in WIPO Standard ST.25."

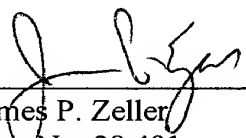
The present application does not contain material that falls within 37 CFR 1.821. There is no disclosure of nucleotide or amino acid sequences in the specification that is required to be entered into a sequence listing format. The disclosure pertains to polyglucans, which are chains of carbohydrate moieties, and are not required under the applicable rule to be entered in a separate sequence listing. Therefore, withdrawal of the requirement for filing of a sequence listing under 37 CFR 1.821-1.825 is solicited.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

November 6, 2001

By:

  
James P. Zeller  
Reg. No. 28,491  
Attorneys for Applicant  
6300 Sears Tower  
233 South Wacker Drive  
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(312) 474-6300

RECEIVED  
UNITED STATES PATENT AND TRADEMARK OFFICECommissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	INVENTOR FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/807146	GALLERT	K 29988/AX9811

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/EP99/07518

I.A. FILING DATE	PRIORITY DATE
07 OCT 99	09 OCT 98

DATE MAILED:

24 JUL 2001

JAMES P ZELLER  
MARSHALL O'TOOLE GERSTEIN MURRAY & BORUN  
233 S WACKER DRIVE  
6300 SEARS TOWER  
CHICAGO, IL 60606

Docketed: 9/24/01

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status.                                    |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s).  | <input type="checkbox"/> Translation of Article 19 amendments into English.                    |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:  |
| <input checked="" type="checkbox"/> Priority Document.   |  |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any.     |  |
| <input checked="" type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. |  |

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- |   |   |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- |  |
|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.   |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.   |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.   |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).  |

4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☒ PCT/DO/EO/920

Pat Booker, Paralegal

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3738



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/807146	GALLERT	K 29988/AX9811

INTERNATIONAL APPLICATION NO.

PCT/EP99/07518

I.A. FILING DATE PRIORITY DATE

07 OCT 99 09 OCT 98

DATE MAILED 24 JUL 2001

JAMES P ZELLER  
MARSHALL O'TOOLE GERSTEIN MURRAY & BORUN  
233 S WACKER DRIVE  
6300 SEARS TOWER  
CHICAGO, IL 60606**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:**

(703) 308-4216, for Rules interpretation,  
(703) 308-4212, for CRF submission help,  
(703) 287-0200, for PatentIn software help.

Pat Booker, Paralegal

Telephone: 703-305-3738

FORM PCT/DO/EO/920 (March 2001)



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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INTERNATIONAL APPLICATION NO.
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PCT/EP99/07518

I.A. FILING DATE	PRIORITY DATE
07 OCT 99	09 OCT 98

DATE MAILED: 24 JUL 2001



JAMES P ZELLER  
MARSHALL O'TOOLE GERSTEIN MURRAY & BORUN  
233 S WACKER DRIVE  
6300 SEARS TOWER  
CHICAGO, IL 60606

## NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a), (b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Pat Booker, Paralegal

Telephone: 703-305-3738